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Daniel A. Collens

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EXAMINER

BAUM, RONALD

ART UNIT

PAPER NUMBER

2439

NOTIFICATION DATE

DELIVERY MODE

09/17/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/616,698	Applicant(s) COLLENS ET AL.	
	Examiner RONALD BAUM	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in reply to applicant's correspondence of 25 June 2010.
2. Claims 49-64 are pending for examination.
3. Claims 49-64 are rejected.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 64 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The issue is raised as claim 64 recites a "A computer-readable medium having ...", whereas for the purposes of rendering the claim statutory, the presently accepted office claim language should be amended to read as "A computer-readable **non-transitory storage** medium having ...".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 49-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al, U.S. Patent 6,226,618 B1.

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Prior Art's Broad Disclosure vs. Preferred Embodiments

As concerning the scope of applicability of cited references used in any art rejections below, as per MPEP § 2123, subsection R.5. Rejection Over Prior Art's Broad Disclosure Instead of Preferred Embodiments:

I. PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN "The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). See also > Upsher-Smith Labs. v. Pamlab, LLC, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005) (reference disclosing optional inclusion of a particular component teaches compositions that both do and do not contain that component); < Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998) (The court held that the prior art anticipated the claims even though it taught away from the claimed invention.). > See also MPEP § 2131.05 and § 2145, subsection X.D., which discuss prior art that teaches away from the claimed invention in the context of anticipation and obviousness, respectively.<

II. NONPREFERRED AND ALTERNATIVE EMBODIMENTS CONSTITUTE PRIOR ART
Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Furthermore, "[t]he prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Downs et al *generally* teaches and suggests (i.e., Abstract, figures 1-16 and associated descriptions in general) the limitations set forth in the claims below.

7. As per claim 49; "A method, comprising:

reading digital content from a physical medium,

the digital content being encrypted

using a first encryption method [*figures 1-16 and accompanying*

descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure

digital content electronic distribution system/methods utilization of separate

secured content (' ... digital content being encrypted ... '), secured meta-data,

secured licensing/metering and secured cryptographic parameters (' ... using a

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first encryption method ') & encryption/decryption key(s) communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of secured containers (SC), insofar as network distributed digital content is stored upon reception at the distributed destination network node (e.g., the user rendering and presentation point), clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.];

obtaining a content key

associated with said first encryption method [figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key (' obtaining a content key ... associated ... first encryption method ') communications between network node entities, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.];

decrypting said digital content

using said content key [figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and

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secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors ('decrypting said digital content ... using said content key '), licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.];

reencrypting said digital content

using a second encryption method [figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (' reencrypting said digital content ... using a second encryption method '), via the use of SCs, insofar as reencryption is associated with selectable cryptographic methods (e.g., sections II, V, VI, X), clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.]; and

storing said digital content

after reencryption [figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities, via the use of SCs, insofar as reencryption is associated with

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selectable cryptographic methods (e.g., sections II, V, VI, X), of which subsequent to said reencryption, the result is stored ('... storing said digital content ...') at the node that did the reencryption (e.g., at the register, memory, cache, HDD, etc., level at the least), clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.].”.

As per claim 62, this claim is the apparatus claim for the method claim 49 above, and is rejected for the same reasons provided for the claim 49 rejection.

As per claim 63, this claim is the means plus function claim for the method claim 49 above, insofar as the claim 63 locking, unlocking and re-locking correspond to the claim 49 encryption, decryption and re-encryption, and is rejected for the same reasons provided for the claim 49 rejection.

As per claim 64, this claim is the embodied software claim for the method claim 49 above, and is rejected for the same reasons provided for the claim 49 rejection.

8. Claim 50 ***additionally*** recites the limitation that; “The method of Claim 49, wherein additional digital content is received via at least one of:

(a) a communication link, or

(b) a physical medium from which the digital content can be read.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IX-X, whereas the secure digital content electronic distribution system/methods utilization of separate content creators, distributors, secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities, licensing/metering clearinghouses, and users (' additional digital content is received ... a communication link ')/user presentation, display and rendering devices via the use of SCs, insofar as network distributed digital content is stored upon reception at the distributed destination ('... physical medium from which the digital content can be read ...') network node (e.g., the user rendering and presentation point), clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

9. Claim 51 ***additionally*** recites the limitation that; “The method of Claim 49, wherein said obtaining comprises:

receiving a license comprising

said content key; and

decrypting said license

using a device key

associated with a particular device.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('

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receiving a license ... content key ')/metering and secured cryptographic parameters & encryption/decryption key communications ('... decrypting said license ...') between network node entities via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

10. Claim 52 ***additionally*** recites the limitation that; “The method of Claim 49, wherein at least a portion of the license is received via at least one of:

(a) a communication link, or

(b) physical media from which the digital content can be read.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IX-X, whereas the secure digital content electronic distribution system/methods utilization of separate content creators, distributors, secured licensing (' at least a portion of the license is received ... a communication link ')/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities, licensing/metering clearinghouses, and users/user presentation, display and rendering devices via the use of SCs, insofar as network distributed digital content is stored upon reception at the distributed destination ('... physical medium from which the digital content can be read ...') network node (e.g., the user rendering and presentation point), clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

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11. Claim 53 ***additionally*** recites the limitation that; “The method of Claim 49, wherein the digital content represents

at least a portion of a media stream including at least one of:

animation;

sound;

still media;

pictures;

illustrations;

a database; or

another collection of information.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections I, VIII-X, whereas the secure digital content (e.g., pictures, movies, videos, music, etc.; '... a portion of a media stream including at least one of ...') electronic distribution system/methods utilization of separate content creators, distributors, secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities, licensing/metering clearinghouses, and users/user presentation, display and rendering devices via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patentably distinguishing the claim over the prior art.).

12. Claim 54 ***additionally*** recites the limitation that; “The method of Claim 49, further comprising:

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obtaining a second content key
associated with said second encryption method;
decrypting said digital content
using said second content key
at a time of playback of said digital content.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, VIII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('obtaining a second content key ... second encryption method ')/metering and secured cryptographic parameters & encryption/decryption key communications between network node and users/user presentation, display and rendering devices ('... decrypting said digital content ... at a time of playback ... ') entities via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

13. Claim 55 ***additionally*** recites the limitation that; “The method of Claim 54, wherein the second content key is associated with
a particular device.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, VIII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key

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communications between network node and users/user presentation, display and rendering devices ('... second content key is associated ... particular device ') entities via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

14. Claim 56 ***additionally*** recites the limitation that; “The method of Claim 55, wherein said obtaining said second content key comprises:

obtaining a license comprising

said second content key; and

decrypting said license

using a device key

associated with a secure portion of a presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, VIII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('obtaining a license ... second content key ')/metering and secured cryptographic parameters & encryption/decryption key communications between network node and users/user presentation, display and rendering devices ('... decrypting said license ... device key ... associated with a secure portion ... device ') entities via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

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15. Claim 57 ***additionally*** recites the limitation that; “The method of Claim 55, wherein said particular device comprises
a presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, VIII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node and users/user presentation, display and rendering devices ('... particular device ... presentation device ') entities via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

16. Claim 58 ***additionally*** recites the limitation that; “The method of Claim 49, wherein a license imposes restrictions on
presentation of a media stream.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, IX-X, whereas the secure digital content (e.g., pictures, movies, videos, music, etc.; '... a media stream ...') electronic distribution system/methods utilization of separate secured licensing (' restrictions ... presentation of a media stream ') /metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and

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rendering devices ('... presentation of a media stream ...') via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

17. Claim 59 ***additionally*** recites the limitation that; “The method of Claim 58, wherein the restrictions include at least one of

(a) a first date or time

at which presentation is allowed for the media stream,

(b) a last date or time

at which presentation is allowed for the media stream,

(c) a limit on the number of

presentations allowed for the media stream,

(d) a limit on the physical regions

in which presentation is allowed for the media stream,

(e) a requirement that a

charge, cost, or fee be paid, or

subscription be held

in order to allow presentation of the media stream,

(f) a limit on the type of presentation device

permitted to present the media stream,

(g) a limit on the output format

permitted to be used by the presentation device,

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(h) a limit on
the bit rate,
sampling rate, or
other measure of granularity or precision
permitted to be used by the presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, IX-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('restrictions ... presentation of a media stream ') /metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices (e.g., pictures, movies, videos, music, etc.; '... restrictions include ... a limit on ...') via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

18. Claim 60 ***additionally*** recites the limitation that; “The method of Claim 49, wherein the license includes

an integrity code capable of revealing
whether that license has been tampered with.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, VIII-X, whereas the secure

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digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node and users/user presentation, display and rendering devices entities via the use of SCs, inclusive of the standard certificate integrity data structures (e.g., checksums, CRCs, etc.; '... integrity code ... revealing ... license has been tampered ... '), clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

19. Claim 61 *additionally* recites the limitation that; “The method of Claim 49, in which a license may be
revoked or replaced by
a new license.”.

The teachings of Downs et al are directed towards such limitations (i.e., figures 1-16 and accompanying descriptions, and more particularly sections IV-V, VIII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node and users/user presentation, display and rendering devices entities via the use of SCs, inclusive of the standard certificate management aspects (e.g., license management, insofar as issuing as a function of compensation to use content, lease agreements, DRM aspects, etc.; '... license may be ... revoked or replaced ... new license '), clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

Response to Amendments/Arguments

20. As per applicant's argument (Applicant's arguments of 25 June 2010, p. 7-9) concerning the lack of teaching by Downs et al of the reading digital content (from physical medium), encrypting via a first method/content key, subsequently decrypting/re-encrypting and storing (claim 49 and similar as per claims 62-64, and 50-61 by dependence); the examiner has fully considered in this response - the arguments - and finds them not to be persuasive.

The examiner assumes the applicant is referring to claim 49 in the response (page 7) phrase 'The office action contends that Downs teaches the every element of Claim *I*, ... '.

As described above in at least the claim 48 rejection, the claim language dealing with the specific limitation elements is rejected – as taught by Downs et al – via the section descriptions (particularly sections I-VI, VIII, IX), and more succinctly: (1) “A method, comprising ... reading digital content from a physical medium, ... content being encrypted ... first encryption method [e.g., Downs et al, col. 6,lines 36-56, col. 9,lines 4-46, col. 3,lines 40-55, col. 24,lines 63-col. 26,line 29, col. 25,lines 56-64, col. 8,lines 28-39, col. 12,lines 33-col. 14,line 18, col. 28,lines 16-50]”, (2) “obtaining a content key ... first encryption method [e.g., Downs et al, col. 10,lines 49-col. 11,line 8]”, (3) “decrypting ... content using ... content key [e.g., Downs et al, col. 10,lines 19-67, col. 9,lines 61-col. 10,line 35, col. 39,line 25-col. 40,line 13]”, (4) “reencrypting ... content ... second encryption method [e.g., Downs et al, at least licensing and clearinghouse aspects; col. 8,lines 6-15, col. 7,lines 41-col. 8,line 5, col. 27,lines 18-col. 28,line 15, col. 52,lines 58-col. 53,line 4, col. 59,line 6-col. 60,line 30]”, and (5) “storing ... content after reencryption [e.g., Downs et al, col. 6,lines 56-65, col. 70,lines 40-col. 72,line 12].

21. As per applicant's argument (Applicant's arguments of 25 June 2010, p. 7-9) concerning the lack of teaching by Downs et al of the arrangement of the claim elements relative to the rejecting reference teaching; the examiner has fully considered in this response - the arguments - and finds them not to be persuasive. Given that the teaching referenced in the prior art produce the same results, irrespective of limitation sequence order, as that of the claim at issue, the sequence/order is not in of itself a limiting consideration. For example, as per at least in the case of claim element arrangement in the case of obviousness, as per MPEP § 2144.04:

C. Changes in Sequence of Adding Ingredients Ex parte Rubin , 128 USPQ 440 (Bd. App. 1959) (Prior art reference disclosing a process of making a laminated sheet wherein a base sheet is first coated with a metallic film and thereafter impregnated with a thermosetting material was held to render prima facie obvious claims directed to a process of making a laminated sheet by reversing the order of the prior art process steps.). See also In re Burhans, 154 F.2d 690, 69 USPQ 330 (CCPA 1946) (selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results); In re Gibson, 39 F.2d 975, 5 USPQ 230 (CCPA 1930) (Selection of any order of mixing ingredients is prima facie obvious.).

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Conclusion

22. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad, can be reached at (571) 272-7884. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

/R. B./

Examiner, Art Unit 2439

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439